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August 1, 2023

MEMO ENDORSED

BY ECF

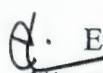
Hon. Sidney H. Stein
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: *United States v. Roger Thomas Clark*,
S2 15 Cr. 866 (SHS)

Dear Judge Stein:

I write as counsel to Roger Clark to respectfully request that Docket Entry No. 178-1, reference letters submitted in connection with sentencing, be replaced with the attached version, which contains additional redactions of addresses of letter writers.

Respectfully yours,

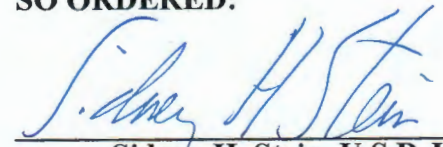
 Evan L. Lipton
Attorney for Roger Clark

Request granted.

**Dated: New York, New York
August 1, 2023**

Cc: Gov't counsel

SO ORDERED:



Sidney H. Stein, U.S.D.J.

LAW OFFICE OF
EVAN L. LIPTON

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250 West 55th Street, Floor 30
New York, New York 10019

June 20, 2023

BY ECF

Hon. Sidney H. Stein
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: *United States v. Roger Thomas Clark*,
S2 15 Cr. 866 (SHS)

Dear Judge Stein:

Enclosed please find reference letters written by friends and family members of Roger Clark for consideration in his sentencing proceeding. The following letters are enclosed: (1) Elizabeth Clark; (2) Kayla Chan; (3) Aaron Higgs; (4) Neil Hopkins; and (5) Tannis Wing.

Respectfully yours,

Evan L. Lipton
Attorney for Roger Clark

Cc: Gov't counsel

May 21, 2023

9 [REDACTED]
Edmonton, [REDACTED]
[REDACTED]
[REDACTED]

Re: Mr. Roger Clark

To: The Honorable Judge Stein

Your Honor,

My name is Elizabeth Clark, and I have raised two kids who are now in their 30s. They are productive adults and wonderful parents, and I also enjoy six grandchildren. I have been a self-employed writer/ editor turned business coach for the past 25 years. I earned a B.A. (English/Psychology) and consistently upgrade my skills in business, marketing, and personal development. At this point, I work very part-time and am essentially retired, but take on the odd editing or coaching project. I am slowly spending more time on art and will soon shift direction back to volunteer work. I've done much volunteer work in my life with my last stint (which ended with Covid-19) being a 7-year commitment.

I have known Roger his whole life. I am proud to say that he is my younger brother by two years. I understand he pled guilty to the charge of Conspiracy to Distribute Narcotics, and I acknowledge this is a very serious charge. Sadly, he is a good man who made poor decisions and erred significantly. Because he has always been a great friend, family member, supportive brother, and a good man, I am happy to write a letter of reference for Roger. I'd like you to see who he is in real life.

Roger has always been one to go the extra mile and it comes easily to him. For example:

- Even as a kid, when he shovelled our driveway and sidewalks, he would always shovel at least 10 feet of snow off of our two neighbors' sidewalk on each side of our house. (Shovelling an extra foot or two of snow is the neighborly thing to do; for a kid to shovel an extra 20 feet is indeed unusual.)
- When we had guests over (family friends) and the mother asked the grade-12 daughter if she had done her math homework, she replied that she didn't know how. Roger immediately went over to her and patiently explained how to work out the math problems.
- When we were picking up a rental car in our city the guy at the counter mentioned his frustration with the printer and said they had been waiting for someone to fix it, Roger said something like, "I can do that right now, if you like" and he fixed it then and there.

The above "anecdotes" I just shared are typical of Roger's behavior and his willingness to help people.

Roger has always been a *hard working, happy, and healthy man who is very excited about life*. Whenever our family would visit family friends or relatives, they were happy to see us, but their faces would light up when they saw Roger. He brings a certain energy to gatherings, for sure.

We are lucky that my selfless brother Roger has always been there for us. In approximately 2008, I purchased my first brand new raised bungalow, a corner house on a relatively large lot. Time ticked by, and the deadline for me to have the sod laid nearly ticked by, too (or I would lose a significant deposit from the builder). So, I phoned Roger and asked him to help out, but he no longer lived a neighborhood

over from me. In fact, he flew from the U.K. to Canada and “we” sodded my lawn. We, meaning, he—in the heat of the summer—did the sodding and every hour or so, I would bring him water, pop, and a snack. (Note that visiting his mother, family, and friends were also big priorities on that trip, as always.)

Although I use computers a lot, I have learned very few trouble-shooting skills. Roger looked after my computer and printers regularly; and when I had a crisis, he *quickly and confidently* got it running tickety-boo. I not only appreciated that he got it running, but also appreciated that he did it calmly and with such a good attitude. He has expertise with computers and was truly happy to help me out.

In addition to Roger being a good brother to me, I witnessed him being a generous and loyal son to our late parents, treating our parents very well, both in their younger years and as they aged. For at least two winters, he drove their old motorhome to a much warmer climate—a distance of well over 700 miles—so my parents could follow him and drive together in a smaller vehicle (as my mother did not drive). That way my parents could park their motorhome for a few months and use the car for milk, groceries, doctor, and hospital visits. My brother would then fly back home. A few months later when warmer weather arrived, he would complete the same trip in reverse for them, so they could come home safely. Our dad was in the beginning stages of ALS (Lou Gehrig’s disease) and my parents were always excited (and greatly relieved!) that Roger would travel with them.

With our dad’s ALS, the first thing to go was his voice. His words became so slurred that we could not understand his speech. Not surprisingly, Roger purchased the computer parts and build him a voice synthesizer, to ensure our dad had a voice and could communicate to family, friends, and medical staff. To say my dad was pleased with his new voice would be an understatement.

Throughout all these times, I was raising two healthy and energetic children (boy/girl), and I was happy to have Roger around, visiting often, helping out, taking the kids out on occasion, and enjoying family time.

My brother Roger and I have kept in touch almost all of our lives. I want to preface the following comments by acknowledging that prison is not meant to be a place to be pampered. Nonetheless... as a result of his offense, my brother has been imprisoned in two countries (Thailand and U.S.A.), has been tortured (e.g., toenails ripped out with vice grips), starved until he was down to about a ridiculous 93 lbs, fell off his bunk and felt like he was near death as he lay there waiting for help, and suffered severe and debilitating withdrawal symptoms when regularly prescribed medications were suddenly no longer available. Hearing these things from Roger was soul crushing, to say the least.

My brother was very frustrated the many times his clothes, books, and papers (especially court papers he was working on) were stolen. He was also frustrated that his constant skin problems were ignored, knowing how dangerous that is (skin is the first line of defense for germs). The skin problems also accounted for much lost sleep, which meant difficulty functioning the next day. In addition to all this, he felt terrified when he was first in the hospital and was held incommunicado, not allowed contact with any family, lawyers, consulate—or even a minister or priest. One nightmare can be frightening enough, but Roger shares that he constantly wakes up terrified, having flashbacks as he relives witnessing jailhouse sexual assaults in Thailand.

Although Roger is usually a positive man; these prison occurrences have taken their toll. During his eight years of imprisonment, he has gone from strong, happy, and healthy, man who is excited about life

to a man who has lost his health—and *losing one's health is no small matter*. He has also lost his strength. He lives with depression and has PTSD.

Your Honor, thank you for reading this, and I request that you take this letter into consideration during sentencing. Despite this serious charge, I am confident that Roger has shifted directions and will henceforth use his computer skills and energy for good. Because he is a hard working and determined man, I believe he can find or create legitimate, meaningful, and productive work until he retires. I believe in my brother, and I am willing to support him the best I can now and upon release. He cares deeply about his family, and his actions over the years have shown it. We also care deeply about him, and he is much missed by his wife and his whole family.

Respectfully,

Elizabeth Clark

May 30, 2023

Kayla Chan

Edmonton, Alberta, Canada

The Honorable Judge Sydney H. Stein,

Re: Roger Clark

My name is Kayla Chan and Roger Clark is my uncle. I am a full-time university student going into my fourth year, mother of three children dedicated to sports (hockey, basketball, cheerleading), and happy wife to my husband Andrew. I was also a church leader for youth for four years, until just after we started our family.

I understand my uncle is up on serious federal drug charges. I haven't seen my Uncle Roger for many years, but I do have some good memories of him. When I was about ten years old, my brother and I had a birthday party (our birthdays are four days apart) inside our house and on our large back deck. My Uncle Roger did the organizing and barbequed hotdogs and hamburgers for us all plus the cleanup. My aunt (Roger's sister) organized charades and a few other games. The kids who attended were incredibly happy with the party.

I grew up without a father, so when we had a father-daughter event at our church, my Uncle Roger came with me. It was a semi-formal event with a meal and a lot of fun.

Years later, about 2005 when I was 14, my aunt (Roger's sister) wanted to go to the California to visit her Uncle Gerald as his health was failing and she knew it would be the last time she would see him. Her Uncle Gerald was her and my Uncle Roger's favorite uncle by far. She did not want to go alone (because of balance problems due to Meniere's, not to mention she was very upset) and asked me if I'd like to go with her. So, my aunt and I visited Uncle Gerald from Canada, and my Uncle Roger joined us over the same 8 days from Great Britain. We all stayed together and visited my Uncle Gerald twice a day while we were there. Uncle Roger did all the driving because my aunt dislikes driving. Even though it was a sad time in many ways, we had fun in the outdoor pool where we stayed, some shopping (mostly to purchase water toys, sun screen, and forgotten items), lots of fast food, and the occasional really nice meal; and one day we visited the redwood forest. Uncle Roger was good natured and happy to drive us anywhere, and contributed much to the "success" of this bittersweet trip.

Your Honor, as you consider my Uncle Roger's sentence, I ask that you consider what a caring and helpful person he has been to our family and a caring and helpful uncle to me. I know he has it in him to stay on the right path.

Sincerely,

Kayla Chan

Kayla Chan

Aaron Higgs,
Cherry House, Greystones, Ireland.

XXXXXXXXXX

Dear Judge Stein,

The first time I met Roger. He had flown into Dublin on his way to the UK especially to meet myself and siblings Keelan and Lauren. This is a week after a phone call from my Dad from Koh Chang, Thailand. To say his "mate Roger was flying in to meet us and have dinner at Keelans' Michelin Star restaurant". He would "explain later" and just to look after him.

Roger and his friend Brian dined with the three of us at Lock's Restaurant. Roger had us in stitches with the story of himself and my Dad having a bromance and hanging out like youths in Koh Chang.

We went for a couple of strong margaritas in 777 bar and then Brian and my sister Lauren danced as we had a pint in The Bleeding Horse. An enjoyable time had by all.

The next time we met was in Bangkok a year later. I was offered a job running a restaurant that Roger and my Dad had opened on Koh Chang. So, I couldn't resist! I was shown the sites and sounds of Bangkok before flying down to the wonderful off the beaten track island.

Myself and Roger hit it off really well and had the same ideals on how the restaurant was to be run. Everyday was a new drama on island. That's kind of how life is there. But, we had such laughs and tears training the staff on basic western cuisine and acquainting them with the intricacies of the trade. Roger had even set up English lessons for the staff 3 mornings a week. My Dad and Roger had been well settled before me. Both were well respected on the island and introduced me to so many interesting people along the way.

Alas, I stayed for a year before coming home to Ireland to put my mark on the world and shake a healthy gin habit. Very fond memories made and only wish I kept a diary of all the goings on.

I went into business a couple of years ago with my brother Keelan. We opened a small place in Dublin and received a Michelin star after six months in business. Not knowing the whereabouts or what had actually happened to Roger. I got a letter out of the blue from him. Congratulating us on the successes and wishing us well on the restaurant empire to come. Our new restaurant project is to be called 'Mongoose' in his honour.

Thanks for taking the time to read this Judge Stein and I wish Roger all the best.

Warm Regards,
Aaron Higgs.



Dear Judge Stein,

Hello. I am writing about Roger Thomas Clark, who is appearing before your court.

I have asked me to write a character reference letter, but the truth is that I was already planning on doing so before the request. I feel strongly about Roger, and about his future, and I want to try to make you feel the same way.

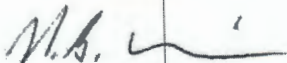
Roger is a person of good moral character. I realize that might seem hard to believe, given the circumstances, but it's true nonetheless. I have known Roger for 10 years, and in that time I have seen him go through ups and downs, but all the while I have been convinced that he is a decent person at the core. He just needs more people to believe in him so that he can become the person I know he can be.

I first met Roger on Koh Chang an Island in Thailand when I brought into a restaurant on the Island. He owned a bar down the road from me. We used to go fishing when ever we could and usually catch up at least once a week. I saw the way that he treated his staff was exceptional and always looked after them. Roger was the first person to put up his hand if anyone needed help on the Island. He helped many people by volunteering his time when things needed repairing etc. He helped me several times when I was off the Island because I was working away and something had gone wrong at my restaurant. Regardless of what time of day or night he always was there to help. To me I thought that he was fairly well respected around the Island and had a likeable character.

Roger has made mistakes, and he is incredibly remorseful, and is willing to do whatever it takes to make reparations, if possible. But to do that, he needs you to give him an opportunity to get a second chance. I recognize that Roger broke the law, and I do not believe that he should get off without punishment. I just hope you will recognize the power you wield with regard to the future of this man and make a fair decision.

Thank you,

Neil Hokins



May 19, 2023

[REDACTED]
Winnipeg, [REDACTED]
Canada

To The Honorable Judge Stein

Re: Roger Clark

Your Honor,

My name is Wendy MacDonald, and I am an older sister to Roger Clark by 4 years. Roger is the youngest and has three older sisters. We lived together as a happy family of 6, until our late teens when we individually tried out our wings. None of us were ever in trouble with the law. Roger has pled guilty to conspiracy to distribute narcotics which is a serious charge, a big mistake on his part. I am submitting this letter of reference to give you my view of who my brother is.

Roger has always been there to help with anything which was needed, helping us girls move to new places, doing I.T. on our computers. He cleaned my house, doing dishes, laundry, and vacuuming several times when I was unexpectedly hospitalized. He also catered at my wedding with only his wife for approx. 100 people, setting up, doing all food prep, and the cleanup. It was amazing. Roger has a good attitude towards life and fun. He is an avid reader of everything. He was always up for a game of cards or board games. He kept his cool if confronted with a heated situation and had a calming effect on people. He was a pleasure to be around.

Your Honor, I understand the seriousness of his offense. Knowing what kind of a man Roger is, I am confident he will find a way to help people through his work and stay on a different path for the rest of his life. Know that we as a family are willing to help in any way now and upon release, and that includes committing to helping him with housing, clothing, and necessities as he begins a new life.

Respectfully,

Wendy MacDonald
Wendy MacDonald

[REDACTED]
[REDACTED]

Your Honor,

My name is Tannis Wing. I am Roger Thomas Clark's eldest sister. We are from a typical middle-class family of 6, who went to public schools for our education and to church on Sundays. I have a grade 12 diploma and attended community college for 2 years. Of the 4 children in our family, Roger is the youngest and has 3 older sisters who are all physically disabled and unable to travel. I am 6 years older than Roger.

My father George only had a grade 8 education, and had worked at various jobs to support his family. George worked in highway construction as a foreman for years, then moved into a house in the city when I was school age so that I could go to school. Once in the city, George drove taxi cab for a couple of years, and in the winter, also drove graders, clearing streets of snow. George started his own business, A-1 Home Cleaning, then started a larger business, Clark's Professional Cleaning, then later started another business, Carpet Master. He had Carpet Master for 25 years. When George got sick and could no longer work, my brother Roger took responsibility for the family business, and took it over, dropping out of school in grade 10. Although Roger was very young, (16 years old) he had a strong sense of responsibility, showed great initiative, diligence, perseverance and self-management skills when he was put in the position of being in charge and running the family business with absolutely no business training.

Roger nurtured a close, caring, loving and meaningful relationship with all of our family through the good times - this served us well through the bad and challenging times when our father was progressively getting sicker, and sicker, and was later finally diagnosed with ALS. As this horrid disease progressed, Roger was there with patience, kindness, and compassion to physically and mentally support both our father and our mother, as well as us 3 sisters. As the disease progressed, and our father lost his ability to speak and communicate, Roger, being the computer geek that he was, worked hard to make a text to talk program for the computer so that our father could communicate and have "His voice heard" (this was well before this technology was even thought possible) Eventually, our father had to go into assisted living. Our father died of suffocation in the Mill Woods Good Samaritan Assisted Living Centre when his call bell was not answered, and he was found 40 minutes later - deceased. This has left us all distrustful of care in facilities. Roger was our pillar of strength as we navigated through the public inquiries, Capital Health Authority Review, a fatality inquiry, and an independent review done by an outside expert in respiratory care.

Roger has a strong moral compass and chooses to do things because he believes it is morally right to do so. As far as I am aware, Roger bought, modified and developed a zero-day exploit and it was used in "Operation Pacifier" that was used to catch hundreds and hundreds of child-porn predators on a hidden TOR website.

When Roger was in Bangkok prison in Thailand for 3 years, from December 3, 2015, to June 15, 2018, I was unable to communicate directly with him. Thankfully, his common-law wife, Nicky was able to relay messages back and forth. I was heartbroken by the information I was getting. Roger was literally starving, and was being abused, and tortured both mentally and physically. There was nothing I could do for him that wouldn't make matters worse for him, except keep in touch with him via Nicky.

Once Roger was extradited to USA, in June 2018 we were finally able to keep in touch. Upon his arrival, he weighed 90 pounds, and his body was covered with rashes and infestations. I thought that being stateside, his health and well-being, both mental and physical would be looked after. I was totally shocked to hear from Roger about the physical and psychological trauma he has been through since being stateside.

Both Roger and I have exceedingly dry skin and eczema. Eczema causes bumpy, dry skin, itchiness, rashes, blisters, flaky, scaly, cracked and bleeding skin on the hands, arms, elbows, neck, face, feet, knees, legs and it can also be on the stomach and back,

When treated, it poses no issue. When untreated, it causes numerous problems with dry, itchy, cracked, inflamed and painful skin. I liken it to be like having a bad case of poison ivy, then getting a severe sunburn on top of it - during a heat wave.

Roger was going out of his mind with the unrelenting itchiness, as well as the persistent pain. I could hear the distress, anguish and desperation in his voice as he described his suffering from his skin condition being untreated. I involved his lawyer. I involved the Canadian Consulate. Roger's lawyer S. Carvlin had to contact the prosecutor and the legal department to get Roger medical treatment.

This was an ongoing situation. Roger's suffering and agony from his rash got so bad that he finally broke down, and distressed, he asked me to send money for him to get black market hydrocortisone cream. Roger knew that this expenditure would be a huge sacrifice for me. Roger knew that I would have to use all my savings, as well as borrow money. He knew all this, and was in such physical and mental anguish, and so desperate and frantic for hydrocortisone cream, that he asked me anyway.

Roger got hurt on October 18, 2021 and was left on the floor of his cell with a shattered pelvis for over 18 hours. His cellmate phoned me at 8am on October 19, 2021, to let me know Roger was severely hurt. Roger thought that he was going to die right there on the floor. His cellmate also let me know that when he asked for help for Roger, the guard said "Is he breathing?" his cellmate said "yes" and the guard replied "He's fine". I contacted the Canadian Embassy, and Roger's lawyer, who contacted MDC Legal, as well as the prosecutor on the case. I phoned MDC and talked to the control officer who answered the phone. He checked and advised me that the unit officer now on duty was aware of the situation. Yet Roger was not transported to the hospital emergency room for hours upon hours. Roger was certain that he was being left to die on his cell floor.

10 days after Roger had been hurt, we had not had any contact from him. We didn't know what hospital he was in, or if he even was in a hospital. We didn't know if he was alive. We were terrified that he had died. I found out afterwards, that he was almost dead when he arrived in emergency. He was put into ICU for a few days to save his life and then when it couldn't be postponed any longer, he had surgery. When he was in the hospital, before his emergency surgery, Roger was terrified that he was going to die, and that none of us would know that he had died, and where his body was. We were horrified thinking that Roger had died. We had no one that we could find anything from. No matter who Roger asked, or how many times he asked,

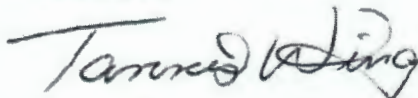
Roger was not allowed to contact his family, his lawyer or his Consulate. He was not allowed to speak to a priest, or to write his will.

The operation was pretty touchy – he had multiple transfusions, and he died twice on the operating table. He ended up with 57 titanium clips, 18 titanium screws, and 4 surgical Stryker plates. When we finally found out where Roger was at from his lawyer- it was the first time in almost 11 days that we even knew Roger was alive.

I phoned the hospital and left a message with the nurse who relayed it to him so that he would know that we had not stopped looking for him, and had finally found him.

He spent months in the Kingsbrook Jewish Medical Center and was suddenly brought back to Metropolitan Detention Center with no-one at the Metropolitan Detention Center being aware or advised that Roger was being sent back to MDC. No provisions were made for his medications or medical needs. His medical needs were ignored, and his prescriptions abruptly cut-off, causing very severe withdrawal symptoms. He was cold turkey cut off all of the heavy-duty drugs, and pain killers – such as Gabapentin, Neurontin, Cymbalta, Ambien, as well as Oxycontin, that he had been on while at Kingsbrook Jewish Medical Center. Again, we went for days not knowing where Roger was – if he'd had a medical emergency and was incapacitated, or if he'd died. He did not have access to a phone or Corrlinks to contact us. Roger went through an utterly agonizing withdrawal. And the mind-numbing fear thinking that this was deliberate and he was going to die. The worry that Roger went through with not being given the medications that the doctors had so pointedly told him "DON'T" abruptly stop taking because of the dangers associated with an abrupt stop was excruciating.

Thank you



Tannis Wing

